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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,366	05/11/2001	Erin M. Defosse	064814.0132	5709

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EXAMINER
LEE, PHILIP C

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/853,366	DEFOSSE ET AL.
	Examiner	Art Unit
	Philip C. Lee	2154

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>31 January 2005</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-15 and 18-30</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-15 and 18-30</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>1/31/05</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

1.   This action is responsive to the amendment and remarks filed on January 31 2005.

2.   Claims 1-15 and 18-30 are presented for examination and claims 16-17 are cancelled.

3.   The text of those sections of Title 35, U.S. code not included in this office action can be

found in a prior office action.

Claim Rejections - 35 USC 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United
> States before the invention thereof by the applicant for patent, or on an international application by another who
> has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention
> thereof by the applicant for patent.

5.   The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA

35 U.S.C. 102(e)).

6.   Claims 21, 24, 27-28 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by

Howell et al, U.S. Patent 6,462,644 (hereinafter Howell).

7.   Howell was cited in the last office action.

8.   As per claims 21 and 28, Howell taught the invention as claimed for communicating

information between a network operations center and a remote device (fig. 2; col. 4, lines 11-25)

comprising:

  selecting records from a data block communicatively coupled to device (col. 7, lines 51-

  56; col. 8, lines 37-45);

  restructuring the selected records at the remote device according to a template (col. 7, 45-

  53; col. 8, lines 14-24);

  calculating a delta between the restructured records and a stored set of records (col. 8,

  lines 5-8); and

  transmitting the delta to the network operations center (col. 7, lines 51-56; col. 8, lines

  37-45).

9.   As per claim 24, Howell taught the invention as claimed in claim 21 above. Howell

further taught writing the delta to a device response (col. 8, lines 5-18; col. 9, lines 37-50).

10.   As per claim 27, Howell taught the invention as claimed in claim 21 above. Howell

further taught wherein selecting records comprises selecting the records from a DEX/UCS data

block (col.4, lines 34-38; col. 7, lines 47-49).

11.   As per claim 30, Howell taught the invention as claimed in claim 28 above. Howell

further taught comprising the remote device operable to calculate delta in response to a

predetermined event (col. 7, lines 64-col. 8, lines 13).

Claim Rejections – 35 USC 103

12.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

13.   Claims 22-23 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Howell.

14.   As per claims 22 and 29, Howell taught the invention as claimed in claims 21 and 28

above. Although Howell taught applying a data compression algorithm to files (col. 9, lines 14-

17), he did not specifically detail the use of data compression to the calculated delta. It would

have been obvious to one having ordinary skill in the art at the time of the invention was made to

apply a compression algorithm to the calculated delta because by doing so would increase the

efficiency of Howell's system by reducing the amount of data for transmission through the

network.

15.   As per claim 23, although Howell taught sorting the delta by the data warehouse (col. 8,

lines 14-24), he did not teach sorting the delta by the remote device. It would have been obvious

to one having ordinary skill in the art at the time of the invention was made to modify Howell's

teaching to include sorting the delta by the remote device because by doing so would load

balance the task of sorting from the network operations center to individual remote devices.

16.   Claims 1-15, 18-20 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Howell in view of Ciccone, Jr. et al, U.S. Patent 6,338,149 (hereinafter Ciccone).

17.   Ciccone was cited in the last office action.

18.   As per claims 1 and 20, Howell taught the invention substantially as claimed for

communicating information between a network operations center and a remote device

comprising:

>   receiving the at least one request by the remote device (col. 7, lines 45-47; col. 8, lines
>
>   38-39);
>
>   selecting records from a data block at the remote device based upon the at least one
>
>   request (col. 7, lines 51-56; col. 8, lines 37-45);
>
>   restructuring, at the remote device, the selected records according to a template (col. 7,
>
>   lines 45-53; col. 8, lines 14-24); and
>
>   transmitting the restructured records to the network operations center (col. 7, lines 51-56;
>
>   col. 8, lines 37-45).

19.   Howell did not teach transmitting a request from the network operations center. Ciccone

taught transmitting at least one request for information from the network operations center to the

remote device (col. 8, lines 58-60; col. 10, lines 12-13; col. 11, lines 29-32; col. 12, lines 23-26).

20.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Howell and Ciccone because Ciccone's method

of transmitting a request from a network operations center to a remote device would increase the

efficiency of Howell's system by allowing a user to operate a device at a remote location via the

network.

21.   As per claim 12, Howell taught the invention substantially as claimed for communicating

data between a network operations center and a remote device comprising:

　　　　receiving the at least one request for data by the at least one remote device (col. 7, lines

　　　　45-47; col. 8, lines 38-39);

　　　　establishing a current state for the at least one remote device (col. 10, lines 8-20);

　　　　accessing a previous state for the at least one remote device (col. 10, lines 8-20);

　　　　calculating a delta between the current state and the previous state for the at least one

　　　　remote device by selecting records from a data block at the remote device indicative of

　　　　the current state of the remote device (col. 8, lines 5-55; col. 7, lines 51-56);

　　　　restructuring the selected records based upon a template to establish the current state of

　　　　the remote device (col. 7, lines 45-53; col. 8, lines 2-24);

　　　　writing the delta to a device response (col. 8, lines 5-24; col. 9, lines 37-51); and

　　　　transmitting the device response to the network operations center (col. 7, lines 51-56; col.

　　　　8, lines 37-45).

22.   Howell did not teach transmitting a request from the network operations center. Ciccone

taught transmitting at least one request for information from the network operations center to the

remote device (col. 8, lines 58-60; col. 10, lines 12-13; col. 11, lines 29-32; col. 12, lines 23-26).

23.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Howell and Ciccone because Ciccone's method

of transmitting a request from a network operations center to a remote device would increase the

efficiency of Howell's system by allowing a user to operate a device at a remote location via the network.

24.   As per claim 2, Howell and Ciccone taught the invention substantially as claimed in claim 1 above. Howell further taught comprising calculating a delta between the restructured records and a stored set of restructured records (col. 8, lines 5-8).

25.   As per claim 3, Howell and Ciccone taught the invention substantially as claimed in claim 1 above. Howell further taught comprising storing the restructured records by the remote device (col. 10, lines 8-14).

26.   As per claim 4, Howell and Ciccone taught the invention substantially as claimed in claim 1 above. Howell further taught comprising evaluating at least one characteristic of the at least one request for information to determine the type of information being requested (col.8, lines 37-45).

27.   As per claim 5, Howell and Ciccone taught the invention substantially as claimed in claim 1 above. Howell further taught comprising writing the restructured records to a device response (col. 8, lines 5-18; col. 9, lines 37-50).

28.   As per claims 6, Howell and Ciccone taught the invention substantially as claimed in claim 1 above. Ciccone further taught comprising:

updating at least one value stored in a database using the restructured records (col. 4,

lines 4-10).

29.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Howell and Ciccone because Ciccone's method

of updating at least one value using the restructured records would increase the user's alertness

in Howell's system by providing updated status of the remote device in the database.

30.   As per claims 7, 14 and 25, Howell and Ciccone taught the invention substantially as

claimed in claims 6 and 12 above. Ciccone further taught comprising combining the restructured

records received by the network operations center with at least one value stored in the database

(col. 3, lines 49-col. 4, lines 10).

31.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Howell and Ciccone for the same reason set

forth in claim 6 above.

32.   As per claims 8, 19 and 26, Howell and Ciccone taught the invention substantially as

claimed in claims 1 and 12 above. Ciccone further taught comprising:

    transmitting at least one check value (col. 7, lines 4-14); and

    comparing at least one check value with at least one stored value (col. 4, lines 4-10; col.

    12, lines 50-54).

33.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Howell and Ciccone for the same reason set

forth in claim 1 above.

34.   As per claim 9, Howell and Ciccone taught the invention substantially as claimed in

claim 1 above. Howell further taught wherein selecting records comprises selecting the records

from a DEX/UCS data block (col.4, lines 34-38; col. 7, lines 47-49).

35.   As per claim 10, Howell and Ciccone taught the invention substantially as claimed in

claim 1 above. Howell further taught wherein transmitting is supported by a wireless network

(fig. 2. col. 4, lines 51-63).

36.   As per claim 11, Howell and Ciccone taught the invention substantially as claimed in

claim 1 above. Howell further taught wherein transmitting is supported by a wire-line network

(fig. 2. col. 4, lines 51-63).

37.   As per claim 13, Howell and Ciccone taught the invention substantially as claimed in

claim 12 above. Howell further taught recreating the current state of the remote device at the

network operations center (col. 8, lines 14-24).

38.   As per claim 15, Howell and Ciccone taught the invention substantially as claimed in

claim 12 above. Howell further taught comprising:

storing the current state of the remote device as the previous state of the remote device

(col. 7, lines 53-col. 4, lines 13); and

storing the previous state of the remote device as a reference state for the remote device

(col. 7, lines 53-col. 4, lines 13).

39.   As per claim 18, Howell and Ciccone taught the invention substantially as claimed in

claims 12 above. Howell and Ciccone did not specifically detail the use of data compression to

the calculated delta. However, Howell taught applying a data compression algorithm to files

(col. 9, lines 14-17). It would have been obvious to one having ordinary skill in the art at the

time of the invention was made to apply a compression algorithm to the calculated delta because

by doing so would increase the efficiency of Howell's and Ciccone's systems by reducing the

amount of data for transmission through the network.

40.   Applicant's arguments with respect to claims 1-15 and 18-30, filed 01/31/05, have been

fully considered but are not deemed to be persuasive.

41.   Because Applicants have failed to challenge any of the Examiner's "Official Notices" on

claims 22-23 and 29 stated in the previous office action in a proper and reasonably manner, they

are now considered as admitted prior art. See MPEP 2144.03

42.   In the remark applicant argued that

(1)   Howell fails to teach a template, much less a template used to restructure records at the remote device.

(2)   Howell fails to teach calculate a delta between restructured records and a stored set of records.

(3)   Howell did not teach establishing a current state for a remote device by selecting records indicative of the current state of the remote device.

43.   In response to point (1), Howell taught the vendor interface unit (VIU) (fig. 3) (i.e., at the remote device) retrieves a DEX file (504) (i.e., a file containing set of records) and adds information to the file that identifies the machine. This means the process of adding information identifying the machine is the template for restructuring the DEX file (504) (i.e., records) (col. 7, lines 45-53)

44.   In response to point (2), Howell taught calculating a delta between the DEX_L file (510) (i.e., stored set of records) and the DEX_R file (504) (i.e., the restructured records) and saving any record therein that contains a field that has changed (col. 8, lines 5-8) (Note that a DEX file may be a set of records with changing fields).

45.   In response to point (3), Howell taught calculating a DEX_D file based on selecting only records with changed fields and transmitting the DEX_D file to the data warehouse. The DEX_D

file is used for establishing a recent settlement file, which reflects that the remote device (i.e.,

vending machine) has been fully restocked the product and currency inventories (i.e., current

state) in the remote device (i.e., vending machine) (col. 8, lines 33-55) (i.e., the selected records

of the DEX_D file is an indication of the current state of the remote device)

46.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action

is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply

is filed within TWO MONTHS of the mailing date of this final action and the advisory action is

not mailed until after the end of the THREE MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than SIX

MONTHS from the mailing date of this final action. Any inquiry concerning this

communication or earlier communications form the examiner should be directed to Philip Lee

whose telephone number is (571) 272-3697. Any inquiry of a general nature or relating to the

status of this application should be directed to the Group receptionist whose telephone number is

(703) 305-9600.

Philip Lee

ZARNI MAUNG
SUPERVISOR . . . . EXAMINER